

## **REMARKS**

Claims 1-16 and 22-23 are pending in the present application.

This Amendment is in response to the Office Action mailed September 04, 2008. In the Office Action, the Examiner rejected claims 1-16 and 22-23 under 35 U.S.C. § 103(a).

Applicant has amended claims 1-16 and 22-23. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### **I. REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected:

1) claims 1, 4, 7, 10, 12, 12, 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,148,140 issued to Okada et al. ("Okada") and in view of U.S. Patent No. 6,341,196 issued to Ando et al. ("Ando");

2) claims 2, 3, 5, 8, 9, 11, 13, 14, 16 under 35 U.S.C. § 103(a) as being unpatentable over Okada and Ando in view of U.S. Patent No. 6,501,727 issued to Nozaki et al. ("Nozaki");

3) claims 6, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Okada and Ando and Nozaki in view of U.S. Patent No. 6,553,180 issued to Kikuchi et al. ("Kikuchi").

Applicant respectfully traverses the rejections for the following reasons.

Okada discloses the originally VOB includes VOB#1, VOB#2, VOB#3, VOB#4, ... VOB#7 and after the deletion of certain VOBs (i.e., VOB#2, VOB#4, and VOB#6) the areas originally occupied by these VOBs are freed. When the VOB is reproduced thereafter, the reproduction order is VOB#1, VOB#3, VOB#5, and VOB#7... Okada also discloses the logical format of the video packs and audio packs stored in a VOB, the logical format of a video packs arranged at the start of a VOB, the logical format of the video packs that do not come first in the VOB, and the logical format of the audio packs (col. 17, line 65 to col. 18, line 39, and Figs. 6B to 6E). Okada further discloses a hardware

construction of a DVD recorder and how VOBUs and the picture data and audio data that comprises VOBUs are transferred on the physical connections when DVD recorder re-encodes VOBUs (Col. 34, lines 50-55). There is nothing in Okada that discloses the generating of a tentative control information (previously recited as the “second managing control information”). Furthermore, there is nothing in Okada that discloses that the tentative control information is used for forming managing control information, which is to be recorded at a later time. In other words, unlike the present invention, no where in Okada that discloses the generating of tentative control information and that this tentative control information is used for forming the managing control information, which is to be recorded at the later time.

Ando discloses that the navigation data 2201 corresponds to the control information 1011. The navigation data is used to record, reproduce, or edit an AV stream. The navigation data contains all the necessary navigation data including a single management information file. In accordance with the AV data control information 1101 in the control information, the navigation data 2201 includes a movie AV file information table (fig. 23, col. 30, line 28 to col. 31, line 36). The Examiner stated, “Ando discloses the first area including tentatively recorded video manager information, the tentatively recorded video manager information being recorded at a point where recording of information is not terminated”, and the Examiner cited fig. 23 and col. 30, line 28 to col. 31, line 36 of Ando. However, as stated above, no where in Ando that discloses the tentatively control information is being recorded at a point where recording of information is not terminated nor does Ando discloses the generating of the tentative control information where this tentative control information is used for forming the managing control information that is to be recorded at the later time.

Nozaki discloses, "When reservation recording is complete, the recording/playback apparatus sets the playback order of cells recorded on the basis of the reservation information as a program chain and records the program chain a playback control information unit (FIGS. 2A to 2E, 3A, and 3B) (Col. 9 lines 58-62). One of the new functions is program reservation recording... recording reservation must be performed before that (Col. 1, lines 62-64). Nozaki also discloses that the recording order and recording information sizes of the computer data and audio and video data can be freely set. Areas in which the computer data is recorded are called computer data files. An area in which audio and video data is recorded is called an audio & video file (Col. 6 lines 25-28).

Kikuchi discloses that control information in a lower layer of audio/video data area DA2 corresponds to video manager information VMGI 75 and video title set information VTSL 94 in terms of its function (Col. 12, lines 35-38). Kikuchi further discloses that data is written in the management area of set disc 10 (Col. 49, line 66). For example, video title set VTS corresponding to a program to be recorded is registered in video manager information VMGI and files that relate to this VTS are created (Col. 12 lines 35-38, Col. 49 lines 66-67, and Col. 50 lines 1-2).

Okada, Ando, Nozaki, Kikuchi, taken alone or in any combination, do not disclose, suggest, or render obvious the generating of the tentative control information where the tentative control information is used for forming the managing control information that is to be recorded later. This aspect of the invention is supported in the specification on page 5 (lines 5-25), page 7 (lines 13-25), page 42 (lines 22-24) and is recited in amended claims 1, 7, and 12.

Therefore, Applicant believes that independent claims 1, 7, 12 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. 103(a) be withdrawn.

**CONCLUSION**


In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

PIONEER NORTH AMERICA, INC.

Dated: 12/03/08

  
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